FILED

NOT FOR PUBLICATION

DEC 28 2007

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ABDULBAQI ABDULWALI AHMED AL-DHUBHANI, Petitioner, v. MICHAEL B. MUKASEY,[*] Attorney General, Respondent.	No. 06-72294 Agency No. A75-118-915 MEMORANDUM[**]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 3, 2007[***]

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

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[*]   Pursuant to Fed. R. App. P. 43(c)(2), Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States.

[**]   This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

[***]   The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Abdulbaqi Abdulwali Ahmed Al-Dhubhani, a native and citizen of Yemen, petitions for review of the Board of Immigration Appeals' (BIA) order denying his motion to remand based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of the motion to remand, *see Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005); and we review *de novo* Al-Dhubhani's claim of ineffective assistance of counsel, *see Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Al-Dhubhani failed to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), and the face of the record does not show a "clear and obvious case of ineffective assistance of counsel." *Castillo-Perez v. INS*, 212 F.3d 518, 526 (9th Cir. 2000). The BIA's denial of the request for remand was therefore proper. *See Reyes v. Ashcroft*, 358 F.3d 592, 596 (9th Cir. 2004) (noting that before the BIA will consider an ineffective assistance of counsel claim, the alien must first satisfy the threshold procedural requirements of *Lozada*).

PETITION FOR REVIEW DENIED.